

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

Case No. 5:19-MJ- 138(TWD)

GARY GOODALE)

Defendant(s))

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of September 2016 through May 2017 in the county of Oswego in the Northern District of New York the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 2251(a)	Sexual Exploitation of Children
18 U.S.C. § 2260A	Committing a Felony Offense Involving a Minor While Required by Law to Register as a Sex Offender

This criminal complaint is based on these facts:
See Attached Affidavit.

☒ Continued on the attached sheet.



Complainant's signature

Sean Mullin, SA HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: March 11, 2019



Judge's signature

City and State: Syracuse, New York

Hon. Thérèse Wiley Dancks, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Sean A. Mullin, a Special Agent (SA) with Homeland Security Investigations (HSI), being duly sworn, depose and state as follows:

1. I am a Special Agent with the Department of Homeland Security (DHS) Homeland Security Investigations (HSI) in Syracuse, New York, and have been employed in this capacity for 15 years. I was previously employed as a Special Agent for the Florida Department of Law Enforcement for 2 years, and as a City of Syracuse Police Officer/ Detective for 9 years. In my capacity as a federal agent I have investigated criminal violations relating to child exploitation and child pornography, including the illegal distribution, receipt and possession of child pornography, in violation of Title 18, United States Code, Sections 2252 and 2252A. I have had the opportunity to observe and review numerous examples of child pornography, as defined in Title 18, United States Code, Section 2256.

2. This affidavit is made in support of an application for a criminal complaint charging Gary M. Goodale with violating 18 U.S.C. § 2251(a) (sexual exploitation of a child) and § 2260A (felony offense involving a minor by a registered sex offender).

3. The statements contained in this affidavit are based on my involvement in this investigation, as well as information provided to me by other law enforcement officers, and upon my training and experience. Because this affidavit is being submitted for the limited purpose of seeking a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that Gary M. Goodale has committed violations of 18 U.S.C. §§ 2251(a), and

2260A.

THE INVESTIGATION AND FACTUAL BASIS

4. On May 14, 2017, the Criminal Investigations Division of the City of Fulton Police Department received information that Gary M. Goodale was sexually abusing one minor female child and two minor male children in the County of Oswego, NY.

5. On May 16, 2017, Investigator Michael Curtis of the city of Fulton Police Department, interviewed Victim 1 (V1), a 9 year-old female child. During the course of that interview, V1 stated that Goodale would pick V1 up in his car and then go back to Goodale's house. While at the residence, Goodale would shower with V1 and they would wash each other. V1 stated that she would tell him not to but he did it anyways. V1 referred to her vagina as a kitty cat and a penis as a hot dog. V1 further stated that Goodale would force V1 to touch Goodale's hot dog. V1 stated that Goodale uses his finger to touch her kitty cat. V1 stated that he also rubs medicine and white cream on her kitty cat. V1 further stated that Goodale has a vibrating thing with a button that you touch the kitty cat with. V1 stated that she knows what condoms are and they come in fruit flavors and she took one off Goodale's penis. V1 stated that some are made to chew on and eat, and she tried the banana one. V1 stated that Goodale would take pictures of her every time she went to his house, which included pictures of them in the shower. V1 stated that Goodale would use both his new cellular telephone and old cellular telephone to take the pictures and described them as Samsung Galaxy cellular telephones. V1 also stated that Goodale showed her a video on his computer of an unknown minor female child and Goodale nude in a bath tub. V1 stated that Goodale was helping the girl in the video wash her kitty cat.

6. On May 16, 2017, Investigator Curtis interviewed Victim 2 (V2) a 9 year-old male child. During the course of that interview, V2 stated that while staying at Goodale's residence,

Goodale would touch V2's penis. V2 described his penis as the part of his body where pee comes out of. V2 stated that on more than one occasion, Goodale would put his hand down V2's pants and touch his penis. V2 also stated that sometimes Goodale would take his clothes off while touching V2's penis. V2 said that he told Goodale to stop, asking nicely, however Goodale said, no its fun. V2 stated that he told Goodale it wasn't fun. V2 stated that that Goodale would also touch V2's penis while riding in Goodale's car and while stopped at red lights. V2 did not recall seeing Goodale taking any pictures but says that Goodale owns a Samsung Galaxy cellular telephone.

7. On May 16, 2017, Investigator Curtis interviewed Victim 3 (V3), a 10 year old male child. During the course of that interview V3 stated that Goodale makes him feel uncomfortable when he is at Goodale's residence. V3 stated that Goodale washes everywhere on V3's body in the bathroom and makes V3 wear a diaper all day long. V3 refers to a penis as a "pee pee." V3 states that Goodale puts his hand and mouth on V3's pee pee. V3 also stated that Goodale inserted his finger inside V3's butt and when Goodale is touching V3's penis a white substance came out of Goodale's penis.

8. On May 16, 2017, Investigator Michael Curtis interviewed both T.R. the father of V1, and L.C. the mother of V2, and V3. Both T.R. and L.C. confirmed that Goodale had access to V1 and picked V1 up in a silver Dodge Neon. Both stated Goodale would transport V1 to counseling sessions at Second Chance Therapeutic in Oswego, NY. Furthermore, both T.R. and L.C. confirmed that Goodale had access to V1, V2 and V3 at his house. L.C. disclosed that Goodale owns a desktop computer and owns two cell phones, one of which was recently purchased and is a Samsung Galaxy in a clear case. The cell phone descriptions match the ones described by V1 and V2. L.C. further described Goodale's apartment which matches the description of the

bathroom as described by V1.

9. Goodale is currently registered with the New York State Division of Criminal Justice Services, Sex Offender Registry, as a Level 3 registered sex offender, with a designation as a sexually violent offender. His registration is required as a result of a 1999 conviction in Oswego County Court for Sodomy: Deviate Intercourse With Other Person Less Than Eleven, a class B felony in violation of New York State Penal Law 130.50. He was sentenced to 8 years incarceration for this conviction.

10. On May 16, 2017, Hon. David H. Hawthorne, City of Fulton Court, issued a search warrant for the Oswego County residence of Gary M. Goodale, Goodale's person and a 2005 Dodge Neon registered to Goodale. The search warrant was executed by members of the City of Fulton Police Department on May 16, 2017. An HP Pavilion a1025c (S/N: MXK5170CCD), and a Samsung Galaxy S6 model SM-G920A, Cellular Telephone (IMEI: 359652060637068) were, along with various other items, recovered during the execution of the search warrant.

11. On May 16, 2017, during the execution of the search warrant, Gary Goodale consented to a noncustodial interview at the Fulton Police Station. During the course of the interview Goodale admitted to owning a Dodge Neon and having access to V1, V2, and V3. Goodale stated that he would pick V1 up and take her to counseling sessions. However, Goodale denied engaging in any inappropriate conduct with V1, V2, and V3. Goodale stated that he would wash all the children's hair in the shower but further stated that he was clothed and standing outside the shower when he did so. Goodale also denied touching their genitals. When asked about diapers being found during the search warrant at his residence, Goodale stated that he experimented with A.B.D.L. which stands for adult baby diaper lovers. Goodale had no explanation for why a 2T – 3T diaper was found at his residence.

12. On June 14, 2017, Investigator Lanning removed the items from Fulton Police Department evidence room and brought the HP Pavilion a1025c (S/N: MXK5170CCD) to the New York State Police (NYSP) Computer Crimes Unit (CCU), Troop D, forensics lab in Oneida, NY for analysis. The Samsung Galaxy S6 model SM-G920A, Cellular Telephone (IMEI: 359652060637068) was sent to the New York State Computer Crimes Unit lab in Albany, NY for analysis.

13. On October 30, 2017, V1 provided a four-page statement further detailing the sexual abuse she suffered at the hand of Gary Goodale. In addition to the abuse described above, V1 disclosed that Goodale made V1 and V2 put lotion on each other's genitals. V1 further stated that Goodale put his hot dog inside her kitty cat, and it hurt. V1 also stated that Goodale took pictures with his cellular telephone of her nude and of her kitty cat while he held it open. V1 stated that Goodale showed her the pictures he took on his cellular telephone.

14. On October 31, 2017, V2 provided a two-page statement further detailing the sexual abuse he suffered at the hands of Gary Goodale. In addition to the abuse described above, V2 disclosed that Goodale would take pictures of V2 nude. V2 stated that while he was playing X-Box 1 Goodale removed his clothes and took pictures of him playing X-Box 1 nude using the computer camera. V2 then saw these pictures on Goodale's cellular telephone and computer.

15. On October 31, 2017, V3 provided a two-page statement further detailing the sexual abuse he suffered at the hands of Gary Goodale. In addition to the abuse described above, V3 disclosed that Goodale would put diapers on V1, V2, and V3.

16. As a result of his conduct with V1, V2, and V3, on November 9, 2017, Goodale was arrested and charged with felony violations of New York State Penal Law Sections 130.35 (Rape in the first degree), 130.50 (Criminal Sexual Act in the first degree), 130.65 (Sexual Abuse

in the first degree), 263.05 (Use of a Child in Sexual Performance), 263.15 (Promoting a Sexual Performance by a Child) and a misdemeanor violation of section 260.10 (endangering the welfare of a child).

17. On May 18, 2018, this Court issued a federal search warrant authorizing the search of Goodale's HP Pavilion a1025c (S/N: MXK5170CCD), and a Samsung Galaxy S6 model SM-G920A, Cellular Telephone (IMEI: 359652060637068) which were originally seized pursuant to a City of Fulton Court search warrant issued on May 16, 2107. Upon completion of the initial forensic review it was discovered that 1 lewd and lascivious image of V1 was found on Goodale's cellular telephone. That image depicts V1 naked from the waist down bent over with her head between her legs and the image focused on her nude vagina and anus. V1's face is clearly visible in the image. In addition to that image 8 lewd and lascivious images of V3 were found on Goodale's Samsung Galaxy S6 cellular telephone and 12 lewd and lascivious images of V3 were found on Goodale's HP Pavilion computer. Those images depict a close up picture of V3's penis as well as the underwear V3 was wearing. In the images V3's penis has some very distinctive characteristics which can be observed in each image.

18. In addition to the lewd and lascivious pictures of V1 and V3 found during the forensic review numerous pictures of V1, V2, and V3 were found on the both the Samsung Galaxy S6 cellular telephone and HP Pavilion computer.

19. On March 7, 2019, your affiant interviewed L.C. LC reviewed the images discussed above and confirmed that the lewd and lascivious pictures images discussed above did in fact depict V1 and V3.

CONCLUSION

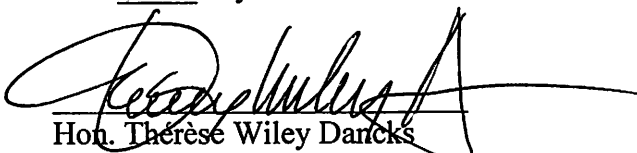
20. Based upon the above information, there is probable cause to believe that Gary M. Goodale used a minor to engage in sexually explicit conduct for the purpose of producing visual depictions of that conduct, knowing and having reason to know that such visual depictions would be transported and transmitted using any means and facility of interstate commerce and in and affecting interstate commerce, or where the visual depictions were produced using materials that had been mailed, shipped, and transported in and affecting interstate commerce by any means, including by computer, or where such visual depictions were actually transported and transmitted using any means and facility of interstate commerce and in and affecting interstate commerce, in violation of Title 18, United States Code, Section 2251(a). Further, there is probable cause to believe that Goodale committed this felony offense involving a minor while required by law to register as a sex offender, in violation of Title 18, United States Code, Section 2260A.



Sean A. Mullin
Special Agent
Homeland Security Investigations

Sworn to me

This 11th day of March 2019



Hon. Therese Wiley Darcks
United States Magistrate Judge